

ATTACHMENT H



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

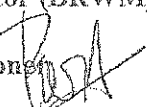
MEMORANDUM

PAUL R. LEPAGE
GOVERNOR

DARRYL N. BROWN
COMMISSIONER

DATE: February 7, 2011

TO: Brian Kavanah, Division Director (BLWQ)
Bryce Sproul, Division Director (BAQ)
Scott Whittier, Division Director (BRWM)

FROM: Pattie Aho, Deputy Commissioner 

SUBJECT: Main-Land Development Consultants Inc.

As you are aware, Main-Land Development Consultants Inc., the firm Commissioner Brown founded and had run for nearly 40 years as the sole shareholder and Chief Executive Officer prior to accepting the Commissioner's position here at the Department of Environmental Protection, conducts business before the agency. The Commissioner received advice from the Office of the Attorney General regarding the handling of license applications and any other decisions currently pending, or in the future put before, D.E.P. that involve Main-Land Development Consultants Inc., whether acting as agent for another entity or brought on its own. This advice involved his recusal from any such situation in order to avoid an actual, or perception of, conflict of interest.

Using that advice, the Commissioner removed himself from these situations by delegating all decision making authority to me, as Deputy Commissioner. In order to realize the goal that all actual, or any potential perception of a, conflict of interest be avoided, I want to further delegate any such decision making to a panel of three individuals. I have decided that Division Directors, as Classified Confidential positions, are the appropriate individuals to serve on this panel and make decisions in any situation involving Main-Land Development Consultants Inc.

By this memo, I am hereby appointing you to serve on this three person panel and delegating decision making authority collectively to you as a group. By this delegation, I am authorizing each of you sign on behalf of D.E.P. in matters involving Main-Land Development Consultants Inc. All three need not sign a decision, but the decision must be unanimous among the group in order to receive a signature. Please appropriately document agreement among the group in order to avoid any question of unanimity.

Thank you for serving on this panel.

cc: All D.E.P. Division Directors
Darryl Brown
Jim Dusch
Jerry Reid

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

FRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

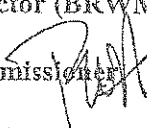
MEMORANDUM

PAUL R. LEPAGE
GOVERNOR

DARRYL N. BROWN
COMMISSIONER

DATE: March 22, 2011

TO: Brian Kavanah, Division Director (BLWQ)
Bryce Sproul, Division Director (BAQ)
Scott Whittier, Division Director (BRWM)
George Seel, Division Director (BRWM)

FROM: Patricia Aho, Deputy Commissioner 

SUBJECT: Main-Land Development Consultants, Inc.

This Memorandum serves as an update and clarification to my earlier Memorandum of February 7, 2011 pertaining to delegation of decision-making by the Commissioner related to any and all license applications or other decisions involving Main-Land Development Consultants, Inc. As you are aware, the Commissioner delegated all decision-making authority to me, as Deputy Commissioner. Further, in order to realize the goal that all actual or any potential perception of a conflict of interest be, I further delegated any decision-making to a panel of three individuals. Those individuals were Brian Kavanah, Bryce Sproul and Scott Whittier.

Due to Scott Whittier's anticipated continued absence from the Department due to illness, I am removing my delegation to Scott Whittier and will be delegating such authority to George Seel, Division Director (BRWM).

Also by way of further clarification, as indicated in the earlier February 7th Memorandum, all three need not sign the decision, and if in fact there are times when two of the three members are not currently in the office, a decision may be rendered by one of the individuals. I would encourage the one individual to appropriately document the information so that the other two individuals are aware of the decision, in order to avoid further questions in the future.

Thank you for serving on this panel, and please do not hesitate to contact me if you have any further questions.

Cc: Darryl Brown, Commissioner
James Dusch, Director Policy and Procedures
Jerry Reid, Assistant Attorney General
All DEP Division Directors

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143